



# U.S. ENVIRONMENTAL PROTECTION AGENCY

## Cooperative Agreement

GRANT NUMBER (FAIN): 96048302

MODIFICATION NUMBER: 0

PROGRAM CODE: V

DATE OF AWARD

01/31/2011

TYPE OF ACTION

New

MAILING DATE

02/07/2011

PAYMENT METHOD:

ACH#

X0060

## RECIPIENT TYPE:

State

## Send Payment Request to:

Las Vegas Finance Center

FAX # 702-798-2423

## RECIPIENT:

Washington Department of Ecology

P.O. Box 47600

Olympia, WA 98504-7600

EIN: 91-6001063

## PAYEE:

WA Dept of Ecology

P.O. Box 47615

Olympia, WA 98504-7615

## PROJECT MANAGER

John Roland

P.O. Box 47600

Olympia, WA 98504-7600

E-Mail: jrol461@ecy.wa.gov

Phone: (509) 329-3581

## EPA PROJECT OFFICER

Helen Bottcher

1200 Sixth Avenue, Suite 900, ECL-111

Seattle, WA 98101

E-Mail: bottcher.helen@epa.gov

Phone: 206-553-6069

## EPA GRANT SPECIALIST

Bob Phillips

Grants Administration, OMP-145

E-Mail: Phillips.Bob@epa.gov

Phone: 206-553-6367

## PROJECT TITLE AND DESCRIPTION

WADOE Upper Columbia

This Cooperative Agreement will allow the recipient to provide EPA with state perspective on issues related to the Upper Columbia River Superfund Site. State personnel will be reviewing and providing comments on documents and attending and participating in meetings in support of EPA's oversight activities. This agreement is partially funded at this time. Please see administrative term and condition #19

## BUDGET PERIOD

03/01/2011 - 06/30/2015

## PROJECT PERIOD

03/01/2011 - 06/30/2015

## TOTAL BUDGET PERIOD COST

\$466,323.00

## TOTAL PROJECT PERIOD COST

\$466,323.00

## NOTICE OF AWARD

Based on your application dated 12/29/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$137,130. EPA agrees to cost-share 29.41% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$137,130. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)	AWARD APPROVAL OFFICE
ORGANIZATION / ADDRESS	ORGANIZATION / ADDRESS
EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue, Suite 900 Seattle, WA 98101	U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue, Suite 900 Seattle, WA 98101

### THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Digital signature applied by EPA Award Official Armina K. Nolan - Manager - Grants and Interagency Agreements Unit

DATE

01/31/2011

## AFFIRMATION OF AWARD

### BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE	TYPED NAME AND TITLE	DATE
	Patricia L. McLain, Chief Financial Officer	

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 137,130	\$ 137,130
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 137,130	\$ 137,130

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
6.802 - Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements	CERCLA: Sec. 104(d)(1)	40 CFR PTS 31 & 35 SUBPT O

## Fiscal

[illegible]



## Budget Summary Page

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
<b>1. Personnel</b>	\$269,286
<b>2. Fringe Benefits</b>	\$81,862
<b>3. Travel</b>	\$0
<b>4. Equipment</b>	\$0
<b>5. Supplies</b>	\$0
<b>6. Contractual</b>	\$0
<b>7. Construction</b>	\$0
<b>8. Other</b>	\$0
<b>9. Total Direct Charges</b>	\$351,148
<b>10. Indirect Costs: % Base</b>	\$115,175
<b>11. Total (Share: Recipient <u>70.59</u> % Federal <u>29.41</u> %.)</b>	\$466,323
<b>12. Total Approved Assistance Amount</b>	\$137,130
<b>13. Program Income</b>	\$0
<b>14. Total EPA Amount Awarded This Action</b>	\$137,130
<b>15. Total EPA Amount Awarded To Date</b>	\$137,130

## **Administrative Conditions**

### **1. Payment Information**

All recipients must be enrolled to receive funds electronically via the EPA-EFT Payment Process. This electronic funds transfer process was initiated by EPA in response to the Debt Collection Improvement Act of 1996, P.L. 104-134 that requires all federal payments be made via Direct Deposit/Electronic Funds Transfer DD/EFT). By signing the assistance agreement you are agreeing to receive payment electronically.

**In order to receive payments electronically, the ACH Vendor/ Miscellaneous Payment Enrollment Form (SF3881) must be completed and faxed to Marge Pumphrey at (702) 798-2423.**

After reviewing and processing the SF3881, the Las Vegas Finance Center (LVFC) will send you a letter assigning you an EFT Control Number, an EPA-EFT Recipient's Manual, and the necessary forms for requesting funds and reporting purposes.

If you need further assistance regarding enrollment, please contact Marge Pumphrey at (702) 798-2492 or by e-mail to: [pumphrey.margaret@epa.gov](mailto:pumphrey.margaret@epa.gov). The forms and instructions can also be found at LVFC Website: <http://www.epa.gov/ocfo/finservices/payinfo.htm>.

**Any recipient currently using the Automated Standard Application for Payments (ASAP) system with another government agency should contact Marge Pumphrey at (702) 798-2492 or e-mail to: [pumphrey.margaret@epa.gov](mailto:pumphrey.margaret@epa.gov).**

Under any of the above payment mechanisms, recipients may request/draw down advances for their immediate cash needs, provided the recipient meets the requirements of 40 CFR 30.22(b) or 40 CFR 31.21(c), as applicable. Additionally, recipients must liquidate all obligations incurred within 90 calendar days of the project period end date. Therefore, recipients must submit the final request for payment, and refund to EPA any balance of unobligated cash advanced within 90 calendar days after the end of the project period.

### **2. Cost Principles/Indirect Costs for State Agencies**

The cost principles of OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments," relocated to 2 CFR Part 225, is applicable, as appropriate, to this award.

If the recipient does not have a previously established indirect cost rate, it agrees that it will prepare its indirect cost rate proposal and/or cost allocation plan and in accordance with OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments." For proposal preparation, the recipient may use the appropriate completeness checklist located at: <http://www.aqd.nbc.gov/indirect/indirect.asp>.

The recipient must send its proposal to its cognizant federal agency within six (6) months after the close of the governmental unit's fiscal year. If EPA is the cognizant federal agency, the state recipient must send its indirect cost rate proposal within six (6) months after the close of the governmental unit's fiscal year to:

#### **Regular Mail**

Financial Analysis and Rate Negotiation Service Center  
Office of Acquisition Management  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, MC 3802R  
Washington, DC 20460

Mail Courier (e.g. FedEx, UPS, etc.)

Financial Analysis and Rate Negotiation Service Center  
Office of Acquisition Management  
US Environmental Protection Agency  
1300 Pennsylvania Avenue, NW, 6th floor  
Bid and Proposal Room Number 61107  
Washington, DC 20004

Recipients are entitled to reimbursement of indirect costs, subject to any statutory or regulatory administrative cost limitations, if they have a current rate agreement or have submitted an indirect cost rate proposal to their cognizant federal agency for review and approval. Recipients are responsible for maintaining an approved indirect cost rate throughout the life of the award. Recipients are responsible for submitting any subsequent rate proposals to the appropriate cognizant agency no later than 180 days after the end of the recipient's fiscal year. Recipients may draw down grant funds once a provisional or final rate has been approved, and only for indirect costs incurred during the period specified in the rate agreement. Recipients are not entitled to indirect costs for any period in which the rate has expired. Recipients may not draw down grant funds for any indirect costs which were not incurred during the period of the approved rate agreement.

Recipients with differences between their provisional rates and final rates are not entitled to more than the award amount, without EPA approval. Recipients may request supplemental amendments (to grants which have not expired or been closed out) for additional funding to cover increased indirect costs. EPA approval of a supplemental amendment is subject to the availability of funds.

Pursuant to 40 CFR 31.26, a recipient agrees to comply with the audit requirements prescribed in the Single Audit Act Amendments, and revised OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," including Subpart C Section 305(b) which addresses the restriction on auditors preparing indirect cost proposals.

### **3. Federal Financial Report (FFR)**

Recipients shall submit final Federal Financial Reports (FFR), Standard Form 425 (SF-425), to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/financeservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: **US EPA, LVFC, PO Box 98515, Las Vegas, NV 89193, or by FAX to: 702-798-2423.**

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 30.62 and 40 CFR 31.43 if the recipient does not comply with this term and condition.

### **4. Audit Requirements**

In accordance with OMB Circular A-133, which implements the Single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor, if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit the SF-SAC and a Single Audit Report Package. **The recipient MUST** submit the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the single audit submissions, you will need to visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>.

### **5. Hotel-Motel Fire Safety Act**

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

## **6. Recycled Paper**

### **INSTITUTIONS OF HIGHER EDUCATION HOSPITALS AND NON-PROFIT ORGANIZATIONS:**

In accordance with 40 CFR 30.16, the recipient agrees to use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

### **STATE AGENCIES AND POLITICAL SUBDIVISIONS:**

In accordance with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

### **STATE AND LOCAL INSTITUTIONS OF HIGHER EDUCATION AND NON-PROFIT ORGANIZATIONS:**

In accordance with 40 CFR 30.16, State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA's guidelines.

### **STATE TRIBAL AND LOCAL GOVERNMENT RECIPIENTS:**

In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007), the recipient agrees to use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

## **7. Lobbying**

### **ALL RECIPIENTS:**

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

### **PART 30 RECIPIENTS:**

All contracts awarded by a recipient shall contain, when applicable, the anti-lobbying provision as stipulated in the Appendix at Title 40 CFR Part 30.

Pursuant to Section 18 of the Lobbying Disclosure Act, the recipient affirms that it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a nonprofit

organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.

## **8. Lobbying and Litigation**

### **ALL RECIPIENTS:**

The chief executive officer of this recipient agency shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of Federal grant funds for litigation against the United States or for lobbying or other political activities.

## **9. Suspension and Debarment**

Recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." Recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at [www.epls.gov](http://www.epls.gov). This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

## **10. Drug-Free Workplace Certification for all EPA Recipients**

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at [http://www.access.gpo.gov/nara/cfr/waisidx\\_06/40cfr36\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html).

## **11. Management Fees**

Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

## **12. Reimbursement Limitation**

If the recipient expends more than the amount of federal funding in its EPA approved budget in anticipation of receiving additional funds from EPA, it does so at its own risk. EPA is not legally obligated to reimburse the recipient for costs incurred in excess of the EPA approved budget.



### 13. Trafficking in Persons

#### a. Provisions applicable to a recipient that is a private entity.

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—
  - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
  - ii. Procure a commercial sex act during the period of time that the award is in effect; or
  - iii. Use forced labor in the performance of the award or subawards under the award.
2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —
  - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
  - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
    - A. Associated with performance under this award; or
    - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our Agency at 2 CFR 1532.

#### b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
  - i. Associated with performance under this award; or
  - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR 1532

#### c. Provisions applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
  - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
  - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

#### d. Definitions. For purposes of this award term:

1. "Employee" means either:
  - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
  - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

### 14. Trafficking Victim Protection Act of 2000 (TVPA) as Amended.

To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

- a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.
- b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.
- c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

**Prohibition Statement** - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

#### **15. DUNS and CCR Requirements (Effective 10/01/2010)**

##### Central Contractor Registration and Universal Identifier Requirements.

A. Requirement for Central Contractor Registration (CCR). Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) numbers. If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions. For purposes of this award term:

1. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).
2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet

(currently at <http://fedgov.dnb.com/webform>).

3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

- a. A Governmental organization, which is a State, local government, or Indian tribe;
- b. A foreign public entity;
- c. A domestic or foreign nonprofit organization;
- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. Subaward:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

## **16. Subaward Reporting and Executive Compensation**

### **A. Reporting of first-tier subawards.**

1. **Applicability.** Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e of this award term).

2. **Where and when to report.**

- i. You must report each obligating action described in paragraph a.1. of this award term to [www.fsrs.gov](http://www.fsrs.gov).
- ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. **What to report.** You must report the information about each obligating action that the submission instructions posted at [www.fsrs.gov](http://www.fsrs.gov) specify.

### **B. Reporting Total Compensation of Recipient Executives.**

1. **Applicability and what to report.** You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if –

- i. The total Federal funding authorized to date under this award is \$25,000 or more;
- ii. In the preceding fiscal year, you received—
  - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the

Transparency Act, as defined at 2 CFR 170.320 (and subawards); and  
(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at [www.ccr.gov](http://www.ccr.gov).
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

#### C. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if

i. in the subrecipient's preceding fiscal year, the subrecipient received—

- (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
- (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

- i. To the recipient.
- ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

#### D. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. subawards, and
- ii. the total compensation of the five most highly compensated executives of any subrecipient.

#### E. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

- i. A Governmental organization, which is a State, local government, or Indian tribe;

- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. Salary and bonus.
- ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- v. Above-market earnings on deferred compensation which is not tax-qualified.
- vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

#### **17. FY2011 ACORN Funding Restriction**

Congress has prohibited EPA from using its FY 2011 appropriations to provide funds to the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries. None of the funds provided under this agreement may be used for subawards/subgrants or contracts to ACORN or its subsidiaries. Recipients should direct any questions about this prohibition to their EPA Grants Management Office.

#### **18. Disadvantaged Business Enterprise Requirements (Effective May 27, 2008)**

##### **GENERAL COMPLIANCE, 40 CFR, Part 33**

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements, contained in 40 CFR, Part 33.

##### **FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D**

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE (MBE/WBE) participation in procurement under the financial assistance agreements.

#### **Accepting the Fair Share Objectives/Goals of Another Recipient**

The dollar amount of this assistance agreement is over \$250,000; or the total dollar amount of all of the recipient's non-TAG assistance agreements from EPA in the current fiscal year is over \$250,000. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the **Washington Office of Minority and Women's Business Enterprises** as follows:

MBE: PURCHASED GOODS 8%; PURCHASED SERVICES 10%; PROFESSIONAL SERVICES 10%  
WBE: PURCHASED GOODS 4%; PURCHASED SERVICES 4%; PROFESSIONAL SERVICES 4%

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as **Washington Office of Minority and Women's Business Enterprises**.

#### **Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404**

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

#### **SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C**

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

**MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503**

The recipient agrees to complete and submit EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year reporting period the recipient receives the award, and continuing until the project is completed. **Only procurements with certified MBE/WBEs are counted toward a recipient's MBE/WBE accomplishments.** The reports must be submitted **semiannually** for the periods ending March 31<sup>st</sup> and September 30<sup>th</sup> for:

Recipients of financial assistance agreements that capitalize revolving loan programs (CWSRF, DWSRF, Brownfields); and

All other recipients not identified as annual reporters (40 CFR Part 30 and 40 CFR Part 35, Subpart A and Subpart B recipients are annual reporters).

**The reports are due within 30 days of the end of the semiannual reporting periods (April 30<sup>th</sup> and October 30<sup>th</sup>). Reports should be sent to the EPA Region 10, Grants Administration Unit, 1200 Sixth Avenue, Suite 900, Mailcode: OMP-145, Seattle, WA 98101. For further information, please contact Greg Luchey at (206) 553-2967, email: [Luchey.Greg@epa.gov](mailto:Luchey.Greg@epa.gov). Final MBE/WBE reports must be submitted within 90 days after the project period of the grant ends. Your grant cannot be officially closed without all MBE/WBE reports.**

EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the Internet at [www.epa.gov/osbp](http://www.epa.gov/osbp).

**CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302**

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

**BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)**

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

**19. Partial Funding**

This agreement is being partially funded by EPA in the amount shown on page 2 under "EPA Funding Information." The recipient understands that additional EPA funds may be awarded on this assistance agreement, subject to availability of additional appropriated funds. EPA's approval of the work plan, budget, and project/budget periods does not constitute an EPA commitment to provide funds in excess of the amount currently funded in this agreement.

**If this agreement includes cost share/match** based on obtaining full EPA funding, and EPA is not able to fully fund its portion of the total project costs, the recipient has the option of reducing its cost share/match, as long as the reduction is not below the minimum statutory or programmatic required cost share/match. The recipient must submit its request for reduction to the EPA Project Officer, since work plan and budget revisions may be necessary.

Note: The share percentages currently shown in the Table A budgets and page one of this agreement are

electronically calculated based on the current EPA funding amount and total project cost. The percentage will change if and when additional EPA funding is provided by assistance amendment.

## **Programmatic Conditions**

### **1. Quarterly Performance Reports**

The recipient shall submit quarterly performance reports, which are due 60 calendar days after the end of each Federal fiscal quarter. (Federal fiscal quarters end the last day of March, June, September, and December.) Reports shall be submitted to the EPA Project Officer and may be provided electronically.

In accordance with 40 CFR Part 35.6650, as appropriate, the recipient agrees to submit performance reports that include brief information on each of the following areas:

- (a) an explanation of work accomplished during the reporting period, delays, or other problems, if any, and a description of the corrective measures that are planned. For pre-remedial Cooperative Agreements, the report must include a list of the site-specific products completed and the estimated number of technical hours spent to complete each product.
- (b) a comparison of the percentage of the project completed to the project schedule, and an explanation of significant discrepancies.
- (c) a comparison of the estimated funds spent to date to planned expenditures and an explanation of significant discrepancies. For remedial, enforcement, and removal reports, the comparison must be on a per task basis.
- (d) an estimated of the time and funds needed to complete the work required in the Cooperative Agreement, a comparison of that estimate to the time and funds remaining, and a justification for any increase.

In addition to the quarterly performance reports, the recipient shall immediately notify the EPA Project Officer of developments that have a significant impact on the award-supported activities. In accordance with 40 CFR Part 35.6655, as appropriate, the recipient agrees to inform the EPA Project Officer as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

### **2. Final Performance Report**

In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due 90 calendar days after the expiration or termination of the award. The report shall be submitted to the EPA Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. If inappropriate, the EPA Project Officer may waive the requirement for a final performance report after completion of the project.

### **3. Revisions to the Site Budgets (ONLY apply to multiple Sites funded)**

Each site has a separate budget. To move costs between site budgets (i.e. from X to Y), the recipient must formally request that the budgets be changed and provide revised budgets for both sites and revised scope of work if required. This revision must be approved via amendment to this agreement.

### **4. Work Plan**

Work under this agreement should be completed in accordance with the approved work plans submitted with the applications dated December 29, 2010.



## **5. Quality Assurance Requirements**

Acceptable Quality Assurance documentation must be submitted to the EPA Project Officer within 30 days of the acceptance of this agreement or another date as negotiated with the EPA Project Officer. No work involving direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under this project until the EPA Project Officer, in concert with the EPA Quality Assurance Manager, has approved the quality assurance document. (See 40 CFR 30.54 or 31.45, as appropriate.) Additional information on these requirements can be found at the EPA Office of Grants and Debarment website: <http://www.epa.gov/ogd/grants/assurance.htm>.

Region 10 Quality Assurance Team Contact: Ginna Grepo-Grove, Quality Assurance Manager, at (206) 553-1632 or email: [Grepo-Grove.Gina@epa.gov](mailto:Grepo-Grove.Gina@epa.gov).



**COST REVIEW TEMPLATE FOR PROJECT OFFICERS – PROJECT GRANTS AND ALL OTHER GRANTS SUBJECT TO THIS COST REVIEW**  
 (Electronically attach the completed form in IGMS, then print and retain a copy in the grant file. Include comments at the end of the cost review as necessary.)

Application/Grant Number:	V-96048302	Applicant:	WA Dept of Ecology
Project Period:	3/1/2011 - 6/30/2015	Budget Period:	3/1/2011 - 6/30/2015
Project Officer:	Helen Bottcherl	Date Application Signed:	12/29/2010

Application is for: ☒ new funding      ☐ supplemental funding      ☐ other:

**Basis for Cost Determination: Application** (check all applicable boxes)

<input checked="" type="checkbox"/> Experience with applicant/project	<input checked="" type="checkbox"/> Experience with similar organizations	<input checked="" type="checkbox"/> Experience with similar projects		
<b>Guidance: Personnel</b>	<b>Personnel</b>			
<p>This category includes only direct costs for the salaries of those individuals who will perform work directly for the project (generally, paid wage grade employees of the applicant organization). Personnel costs do not include: (1) costs for services of consultants, contractors, consortia members, or other partner organizations, which are included in the "Contractual" category; (2) costs for employees of subrecipients under subawards, which are included in the "Other" category; or (3) effort that is not directly in support of the proposed project, which may be covered by the organization's negotiated indirect cost rate.</p> <p>The applicant's budget detail must identify the personnel category type by FTE, including percentage of FTE for part-time employees, number of personnel proposed for each category, and the estimated funding amounts. For example, 4 engineers @ \$125,000; 2 scientists @ \$75,000, 1 Manager @ \$200,000, etc.</p> <p>The Bureau of Labor Statistics web site at <a href="http://data.bls.gov/PDQ/outside.jsp?survey=nc">http://data.bls.gov/PDQ/outside.jsp?survey=nc</a> may assist determining reasonability.</p>	<p>A. Is the applicant proposing personnel as a direct cost under the application? <b><i>If NO, go to Travel.</i></b></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>B. Are proposed personnel costs eligible and allowable for funding (and cost sharing and/or matching if applicable) as direct costs under applicable program guidance and program regulations?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>C. Are the proposed personnel costs (labor categories and salary ranges, skill mix, and their level of effort) reasonable and necessary to achieve project objectives?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>D. Are job titles/categories/labor rates consistent with the proposed function under the project? (E.g., if the CEO will be performing engineering work, the proposed compensation or valuation of contributed services should be appropriate for an engineer rather than a CEO.)</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>E. Are the proposed personnel costs consistent with the budget and project periods?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>F1. Total requested personnel costs:</p> <p>F2. Total approved personnel costs:</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <table border="1"> <tr> <td>\$269,286</td> </tr> <tr> <td>\$269,286</td> </tr> </table>	\$269,286	\$269,286
	\$269,286			
	\$269,286			
	<b>Basis for Cost Determination: Personnel</b> (check all applicable boxes)			
	<input type="checkbox"/> Publicly available information (e.g., on salary ranges, job classifications) - Source:	<input checked="" type="checkbox"/> Prudent person test (i.e., it does not exceed an amount that any reasonable person would incur under similar circumstances)	<input type="checkbox"/> Other:	
	<b>Guidance: Travel</b>	<b>Travel</b>		
<p>Travel may be integral to the purpose of the proposed project (e.g., inspections) or related to proposed project activities (e.g., attendance at meetings). Applicants must provide a narrative description of the types/purposes of travel, estimated number of trips, planned destinations,</p>	<p>A. Is the applicant proposing travel as a direct cost under the application? <b><i>If NO, go to Equipment.</i></b></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>B. Are proposed travel costs eligible and allowable for funding (and cost sharing and/or matching if applicable) as direct costs under applicable</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		

and estimated number of travelers.  The FedTravel website at <a href="http://www.fedtravel.com/">http://www.fedtravel.com/</a> may assist determining reasonability.	program guidance and program regulations?  C. Overall and by purpose of travel, is the proposed travel reasonable and necessary to achieve project objectives?  D1. Total requested travel costs: D2. Total approved travel costs:	Yes <input type="checkbox"/> No <input type="checkbox"/>  <div style="border: 1px solid black; width: 100%; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 100%; height: 20px;"></div>
<b>Basis for Cost Determination: Travel</b> (check all applicable boxes)		
<input type="checkbox"/> Knowledge of the training, meetings, or other purposes associated with the travel <input type="checkbox"/> Prudent person test <input type="checkbox"/> Other:		
<b>Guidance: Equipment</b>  This category includes only equipment proposed to be purchased as a direct cost. Equipment is defined as tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit although a lower dollar amount threshold can be established by the applicant. Equipment also includes accessories necessary to make the equipment operational. It does not include: (1) equipment planned to be leased/rented, including lease/purchase agreements; or (2) equipment service or maintenance contracts. These types of proposed costs should be included in the "Other" category.  The budget narrative must include an itemized listing of all equipment proposed under the agreement.  Non-State applicants must conduct a price-cost analysis for equipment purchases as required under 40 CFR 31.36 (States, Local Governments, and Indian Tribal Governments) or 40 CFR 30.45 (Non-Profits and Institutions of Higher Education).  If non-competitive (e.g., sole-source) procurement is proposed by locality or tribal applicants for any amount, or by institutions of higher education, hospitals, or non-profits in excess of \$100,000, the PO may require the applicant to prepare a technical justification for the non-competitive procurement. State applicants need not provide a justification for non-competitive equipment purchases.	<b>Equipment</b>  A. Is the applicant proposing the purchase of equipment as a direct cost under the application? <i>If NO, go to Supplies.</i>  B. Are proposed equipment costs eligible and allowable for funding (and cost sharing and/or matching if applicable) as direct costs under applicable program guidance and program regulations?  C. Is each item of equipment proposed for purchase necessary to achieve project objectives?  D. Were options other than purchase for each item of equipment considered, such as leasing, renting, or loan of government property? (Please complete the "Justification for Equipment Purchase" below to explain why equipment purchase was chosen.)  E. Is the proposed cost of each item of equipment reasonable and is the category total reasonable in relation to the overall project budget?  F. For non-State applicants, if sole-source procurements are indicated, has the applicant been informed of sole-source and cost-price analysis requirements?  G1. Total requested equipment costs: G2. Total approved equipment costs:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> A <input type="checkbox"/>  <div style="border: 1px solid black; width: 100%; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 100%; height: 20px;"></div>
<b>Basis for Cost Determination: Equipment</b> (check all applicable boxes)		
<input type="checkbox"/> Knowledge of the type of equipment (e.g., companies that manufacture, how sold, etc.) (including similar equipment purchased by other recipients) <input type="checkbox"/> Consistency with recipient's procurement system (if State applicant)	<input type="checkbox"/> Market research/market value Source:	<input type="checkbox"/> Prudent person test <input type="checkbox"/> Other:

<b>Justification for Equipment Purchase</b> (check all applicable boxes)			
<input type="checkbox"/> Equipment has long-term value to the recipient's environmental programs <input type="checkbox"/> Equipment will serve an ongoing need of the project	<input type="checkbox"/> Equipment is intended to replace similar equipment <input type="checkbox"/> Leasing will result in increased costs to the project (shown comparison supported by market research)		
<b>Guidance: Supplies</b>		<b>Supplies</b>	
<p>Supplies are tangible personal property other than equipment. Any single item valued at \$5,000 or more in this category should be moved to the "Equipment" category. Non-tangible goods and services associated with supplies, such as printing services, photocopy services, and rental costs should be included in the "Other" category.</p> <p>The applicant's narrative must include a brief description of the supplies required to perform the work. These costs should be categorized by major supply categories and include the estimated costs by category. For example, office supplies, computer supplies, and monitoring supplies.</p>		<p>A. Is the applicant proposing supplies as a direct cost under the application? <b><i>If NO, go to Contractual/Consultant Services.</i></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>B. Are proposed supply costs eligible and allowable for funding (and cost sharing and/or matching if applicable) as direct costs under applicable program guidance and program regulations? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>C. Overall and by category/type of supply, are the proposed supply costs reasonable and necessary to achieve project objectives? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>D1. Total requested supply costs: <span style="float: right; border: 1px solid black; padding: 2px;">\$0</span></p> <p>D2. Total approved supply costs: <span style="float: right; border: 1px solid black; padding: 2px;">\$0</span></p>	
<b>Basis for Cost Determination: Supplies</b> (check all applicable boxes)			
<input type="checkbox"/> Market research/market value - Source:		<input type="checkbox"/> Prudent person test	
<input type="checkbox"/> Other:			
<b>Guidance: Contractual/Consultant Services</b>		<b>Contractual/Consultant Services</b>	
<p>Contractual/consultant services are those services to be carried out by an individual or organization other than the applicant in the form of a procurement relationship.</p> <p>The applicant should list the proposed contract activities along with a brief description of the scope of work or services to be provided, proposed duration, and proposed procurement method (competitive or non-competitive), if known.</p> <p>Non-State applicants must conduct a price-cost analysis for all procurement as required under 40 CFR 31.36 (States, Local Governments, and Indian Tribal Governments) or 40 CFR 30.45 (Non-Profits and Institutions of Higher Education).</p> <p>If non-competitive (e.g., sole-source) contracting is proposed by locality or tribal applicants for any amount, or by institutions of higher education, hospitals, or non-profits in excess of \$100,000, the PO may require the applicant to prepare a technical justification for the non-competitive procurement. State applicants need not</p>		<p>A. Is the applicant proposing to acquire contractual services as a direct cost under the application? <b><i>If NO, go to Other Direct Costs.</i></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>B. Are proposed contractual/consultant costs eligible and allowable for funding (and cost sharing and/or matching if applicable) as direct costs under applicable program guidance and program regulations? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>C. Are the proposed services necessary and reasonable to carry out the applicant's proposed scope of work? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>D. If stated in the application, are the durations of proposed contracts consistent with the budget and project periods? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>E. For non-State applicants, if sole-source procurements are indicated, has the applicant been informed of sole-source and cost-price analysis requirements? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>F1. Total requested contractual/consultant costs: <span style="float: right; border: 1px solid black; padding: 2px;">\$0</span></p> <p>F2. Total approved contractual/consultant costs: <span style="float: right; border: 1px solid black; padding: 2px;">\$0</span></p>	

provide a justification for non-competitive procurement.						
<b>Basis for Cost Determination: Contractual/Consultant Services</b> (check all applicable boxes)						
<input type="checkbox"/> Knowledge of the services to be provided <input type="checkbox"/> Consistency with recipient's procurement system (if State applicant)	<input type="checkbox"/> Additional research - Specify: <input type="checkbox"/> Other:					
<b>Guidance: Other Direct Costs</b>  <b>Other:</b> This category should include only those types of direct costs that do not fit in any of the other budget categories. Examples of costs that may be in this category are: insurance and indemnification, rental/lease of equipment or supplies, equipment service or maintenance contracts, printing or photocopying, and subaward costs.	<b>Other Direct Costs</b>					
	A. Is the applicant proposing any other types of costs as direct costs under the application? <b><i>If NO, go to Questioned Costs.</i></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
	B. Are the specific costs/activities eligible and allowable for funding (and cost sharing and/or matching if applicable) as direct costs under applicable program guidance and program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
	C. Taking into account each different type of cost proposed, are the costs reasonable and necessary to achieve project objectives?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
<b>Subawards:</b> Subawards (e.g., subgrants) are a distinct type of cost under this category. The term "subaward" means an award of financial assistance (money or property) by any legal agreement made by the recipient to an eligible subrecipient. This term does not include procurement purchases, technical assistance in the form of services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, interest subsidies, insurance, or direct appropriations. Subcontracts are not subawards and belong in the contractual category.  Applicants must provide the aggregate amount they propose to issue as subaward work and a description of the types of activities to be supported.	D. Does this award include any subaward work? <b><i>If NO, go to Questioned Costs.</i></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
	D.1 Are there any programmatic eligibility restrictions on who may perform proposed subaward work?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
	D.2 Is the proposed subaward work for authorized assistance purposes (i.e., not to acquire goods or services for use by the applicant)?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
	D.3 Is the proposed subaward work necessary to achieve project objectives?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
	E1. Total requested other (including subaward) costs: E2. Total approved other (including subaward) costs:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10px; text-align: center;">\$</td> <td style="width: 80px;"></td> </tr> <tr> <td style="text-align: center;">\$</td> <td></td> </tr> </table>	\$		\$	
\$						
\$						
<b>Questioned Costs</b>						
Did this cost review analysis result in questioned costs that required the applicant to submit a revised budget sheet? (If YES, please provide a brief narrative on the questioned costs and the resolution of the questioned costs.)  <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
<b>Cost Review Analysis Summary</b>						
<i>The cost review analysis of the proposed applicant budget was conducted in accordance with applicable program guidance and regulation. Answers to all cost review questions are based on the best professional judgment of the undersigned reviewer after analysis of the grant application and applicable programmatic documents (e.g., programmatic guidance, regulation, etc.).</i>						
Project Officer Name: Helen Bottcherl	Project Officer Signature: Helen Bottcherl	Date: 1/14/2011				

# Application for Federal Assistance SF-424

Version 02

*1. Type of Submission	*2. Type of Application	*If Revision, select appropriate letter(s):
<input type="checkbox"/> Preapplication	<input checked="" type="checkbox"/> New	
<input checked="" type="checkbox"/> Application	<input type="checkbox"/> Continuation	* Other (Specify)
<input type="checkbox"/> Changed/Corrected Application	<input type="checkbox"/> Revision	

*3. Date Received:	4. Application Identifier:
--------------------	----------------------------

5a. Federal Entity Identifier:	*5b. Federal Award Identifier:
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## State Use Only:

6. Date Received by State:	7. State Application Identifier:
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## 8. APPLICANT INFORMATION:

\* a. Legal Name: Washington State Department of Ecology

* b. Employer/Taxpayer Identification Number (EIN/TIN): 91-6001063	*c. Organizational DUNS: 781347828
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## d. Address:

\*Street1: PO Box 47600  
Street 2:  
\*City: Olympia  
County: Thurston  
\*State: WA  
Province:  
Country: USA

\*Zip/ Postal Code: 98504-7600

## e. Organizational Unit:

Department Name: Toxics Cleanup Program	Division Name: Eastern Regional Office - Toxics Cleanup Program
--	--

## f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms. Middle Name: A. *Last Name: Scott Suffix:	First Name: Katherine
--	-----------------------

Title: Contracts and Grants Officer

Organizational Affiliation:

*Telephone Number: 360-407-7213	Fax Number: 360-407-7134
---------------------------------	--------------------------

\*Email: ksco@ecy.wa.gov

**Application for Federal Assistance SF-424**

Version 02

9. Type of Applicant 1: Select Applicant Type: **A. State Government**

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

\*Other (specify):

\*10. Name of Federal Agency:

**Environmental Protection Agency, Ricardo Solis**

11. Catalog of Federal Domestic Assistance Number:

**66.802**

CFDA Title:

**Hazardous Substance Response Trust Fund**

\*12. Funding Opportunity Number:

\*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

**Stevens and Ferry Counties**

\*15. Descriptive Title of Applicant's Project:

**Upper Columbia River (Lake Roosevelt) Settlement Agreement for Remedial Investigation and Feasibility Study by Teck Cominco American/Teck Cominco Metals Ltd.**

**Attach supporting documents as specified in agency instructions.**



# **Application for Federal Assistance SF-424**

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16. Congressional Districts Of:

\*a. Applicant **3**

\*b. Program/Project: **5**

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

\*a. Start Date: **3/1/2011**

\*b. End Date: **6/30/2015**

## **18. Estimated Funding (\$):**

*a. Federal	\$466,323
*b. Applicant	0
*c. State	0
*d. Local	0
*e. Other	0
*f. Program Income	0
*g. TOTAL	\$466,323

## **\*19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on
- ☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E.O. 12372

\*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)

☐ Yes ☒ No

21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

☒ \*\*I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

## **Authorized Representative:**

Prefix: **Ms.** \*First Name: **Patricia**

Middle Name: **L.**

\*Last Name: **McLain**

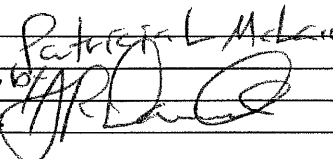
Suffix:

\*Title: **Chief Financial Officer**

\*Telephone Number: **360-407-7005**

Fax Number: **360-407-7153**

\*Email: **federalgrants@ecy.wa.gov**

\*Signature of Authorized Representative: 

Date Signed: **12/29/2010**

## Application for Federal Assistance SF-424

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### \*Applicant Federal Debt Delinquency Explanation

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

# BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Hazardous Sub- stance Response Trust Fund	66.802	\$	\$	\$466,323		\$466,323
2.						
3.						
4.						
5. Totals		\$	\$	\$466,323		\$466,323
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)	
	(1) SFY11 & 12	(2) SFY13	(3) SFY14	(4) SFY15		
a. Personnel	\$79,188	\$63,366	\$63,366	\$63,366	\$269,286	
b. Fringe Benefits	24,073	19,263	19,263	19,263	81,862	
c. Travel						
d. Equipment						
e. Supplies						
f. Contractual						
g. Construction						
h. Other						
i. Total Direct Charges (sum of 6a-6h)	103,261	82,629	82,629	82,629	351,148	
j. Indirect Charges	33,869	27,102	27,102	27,102	115,175	
k. TOTALS (sum of 6i and 6j)	\$137,130	\$109,731	\$109,731	\$109,731	\$466,323	
7. Program Income	\$	\$	\$	\$	\$	

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**SECTION C - NON-FEDERAL RESOURCES**

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTAL (sum of lines 8-11)	\$	\$	\$	\$

**SECTION D - FORECASTED CASH NEEDS**

	Total for SFY11 & 12	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$137,130	\$34,282	\$34,282	\$34,283	\$34,283
14. Non-Federal					
15. TOTAL (sum of lines 13 and 14)	\$137,130	\$34,282	\$34,282	\$34,283	\$34,283

**SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT**

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTAL (sum of lines 16-19)	\$	\$	\$	\$

**SECTION F - OTHER BUDGET INFORMATION**

21. Direct Charges: Fringe Benefits are 30.4% of Direct Labor. They are Social Security, retirement, & pensions, medical aid, industrial insurance, and other.

22. Indirect Charges: Ecology's approved Indirect Rate for FY11 is 32.8% of Direct Labor and Fringe Benefits.

23. Remarks: